

**REMARKS**

Entry of the foregoing and reconsideration of the application identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.111 and in light of the remarks which follow, are respectfully requested.

At the outset, Applicants note with appreciation the indication that claims 28, 29 and 40-45 would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims (Official Action at page 4). By the above amendments, claims 28, 29, 40, 42, 43 and 45 have been amended to be in independent form. It is believed that claims 28, 29 and 40-45 are now in condition for allowance, and such action is respectfully requested.<sup>1</sup>

Claim 46 has been canceled without prejudice or disclaimer. Claim 40 has been amended for clarification purposes by replacing the terms “R” and “B” in the General formula II, with “R<sup>1</sup>” and “B<sup>1</sup>”, respectively.

In the Official Action, claims 25-27, 30-39 and 46-52 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0017217 (*Mizukawa et al*). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Without addressing the propriety of this rejection, Applicants have perfected the foreign priority claim in the present application by the submission of verified English translations of Japanese Application No. 2000-238817 (JP ‘817) filed August 7, 2000, and Japanese Application No. 2001-230507 (JP ‘507) filed July 30, 2001, to which the present application claims the benefit of foreign priority. In this regard, it is respectfully noted that

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<sup>1</sup> Claims 41 and 44 depend from claims 40 and 43, respectively.

the August 7, 2000 filing date of JP '817 predates the March 8, 2001 §102(e) date of *Mizukawa et al.*

Furthermore, Applicants submit that JP '817 contains support for each of claims 25-27, 30-39 and 47-52 of the present application. In this regard, support for claims 25 and 26 can be found at least pages 109-112 of JP '817. Claims 27, 35 and 39 are supported at least at pages 1 and 2. Support for claims 30, 48 and 51 can be found at least at pages 3 and 4. Claims 31-33 and 38 are supported at least at page 78, and claim 34 is supported at least at page 100. Claim 36 is supported at least at page 91. Support for claim 37 can be found at least at page 104. Support for claim 40 can be found at least at pages 23 and 24, and support for claim 41 can be found at least at page 28. Claim 42 is supported at least at pages 33 and 34. Support can be found for claim 47 at least at pages 44-48. Support for claims 49 and 50 can be found at least at pages 74 and 77, respectively. As well, support for claim 52 can be found at least at page 101.

In light of the perfected priority claim to JP '817, it is apparent that *Mizukawa et al* does not qualify as §102(e) prior art with respect to the present application. Accordingly, withdrawal of the §102(e) rejection is respectfully requested.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited.

If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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